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(No 2)

Supreme Court
January Term 1844

Minute Book

January Term 1844

At a Supreme Court begun and held
in and for Iowa Territory at the Capi-
tol in Iowa City on Monday the
first day of January A.D. 1844
Present the Honorable
Charles Mason Chief Justice
Thos. S. Wilson Associate Justice

Jas. McKell vs Neil & wife — Deft filed notice of Motion with service — and filed ~~notice~~ motion ~~for~~ cause to reinstated on Docket for rehearing at this term —

Rice vs Mortimer, Mo. filed — and leave granted to file brief —

Porter & Brazelton vs Moffett — agreement filed & Cause dismissed according to agreement —

Benson vs Cameron Et al Contd as per agreement filed —

Ordered that court adjourn until 2 oclock tomorrow —

January Term 1844

Tuesday January 2. 1844 court met pursuant to adjournment
Present the Honorable
Charles Mason Chief Justice
Thos. S. Wilson } Associate Justices
Jos. Williams - }

✓ Dickerson vs Chase, Contd. by consent

✓ Chord vs McCoy, Death of plff suggested - & Phebe Chord admx substituted as plff -

~~Humphreys vs Snyder - opinion delivered~~

✓ Denton J. Snyder vs Ansel Humphreys - Court delivered an opinion, reversed - writ of procedendo to issue -

✓ Hanes vs Sigler - Dismissed as per agreement -

✓ McKell vs Neil & wife, cause reinstated on Docket -

Cravens vs Cravens - mo. of Deft to dismiss for want of prosecution

✓ Porter vs Field, Dismissed by Consent at plffs cost

✓ McArthur vs Caffee, Dismissed at Pffs costs -

✓ Rules vs Cameron 9 cases - rules made peremptory & judgment for costs -

January Term 1844

Fry vs Butler Submitted —

Harman vs Goodrich submitted —

United States vs Single; Dismissed —

Hoyt vs Bennett writ of Error Dismissed on mo. of Deft. —

Ordered that court be adjourned until tomorrow morning 9 oclock +

Wednesday January 3. 1844 Court met pursuant to adjournment
Present the Honorable
Charles Mason Chief Justice
Joseph Williams } Associate Justices
Thos. S. Wilson }

Cravens vs Cravens. Defts moves to dismiss ~~suit~~ writ of Error; mo. sustained writ of Error dismissed & writ of procedendo. —

Clark vs Parvin — death of plff suggested and Charles Mattoon Admr. substituted —

Kerr vs Stewart Rule on Sheriff of Johnson County on motion of Deff, to return scire facias —

January Term 1844

~~Musgrave vs Brady & Co &c.~~

✓ Stone vs Walker — mo. of Deft writ of Error dismissed & writ of procedendo. —

✓ United States vs Love &c. — on motion of Defts this Cause is to be docketted a second time &c. and by consent one transcript to be used for both cases —

✓ Hallock & Cook vs Smith Pltffs Dismiss writ of Error

~~Blake vs Bush, diminution of record suggested by Deft & certiorari awarded to Clerk to perfect record & cause continued —~~

✓ Lowe & Hickok vs Canby — submitted —

✓ Cravens vs Cravens — Defts mo. overruled to dismiss —

✓ Cook vs Ricker & Bartlett — Defts mo to dismiss overruled. —

✓ Cox & wife vs Bunker & wife — affirmed —

✓ Britton vs Wright — submitted —

✓ Moffitt vs Stanfield, continued

~~Moore vs Bridgman & Partridge judgment affirmed~~

✓ McKell vs Neil & wife — judgment affirmed

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✓ Wilson vs Hughell — Contd —

✓ Chord vs McCoy, Submitted —

✓ Ross vs Moore Contd

✓ Echard vs Summers, dismissed for want of prosecution at plffs costs

✓ Smith vs Smith & Johnson Submitted —

✓ Daugherty vs Bridgman & Partridge Submitted

✓ Parker vs Stewart — Contd

✓ McNulty use &c. vs Moore & Co. &c. Submitted

✓ United States vs Hiler, Submitted

Ordered that Court adjourn until tomorrow 9 oclock —

January Term 1844

Thursday January 4. 1844 Court
met pursuant to adjournment
Present the Honorable
Charles Mason Chief Justice
Joseph Williams } Associate
Thomas S. Wilson } Justices

Burge vs Burns & Snyder — Defts mo. overruled, the Court delivered an opinion — submitted —

McConnell, Elder &c. vs Gardner — court delivered an opinion — affirming the decree of the Court below — Bill dismissed with costs

Clarke vs Laughlin — Court delivered an opinion — reversing the judgment of the court below — and on motion of plff. as per agreement of counsel the judgment rendered at the last term of this Court set aside + and judgment rendered here in favor of plff. vs Deft for amount of the two notes & interest & costs. — + clerk of District Court to return writ of procedendo — Judgment in Damages $326.16 cts — with 20 per cent [illegible]

Warburton &c. vs Mattox &c. court delivered an opinion, affirmed —

Moore vs Bridgeman & Partridge, judgment affirmed & writ of procedendo. —

Marshall &c. vs Bush, court delivered an opinion affirming decree — & writ of procedendo awarded leave given Compt. to withdraw bonds —

January Term 1844

✓ Phillips vs Runnells — on mo. of Deff rule granted against the Sheriff of Jackson County to shew cause why he does not return writ of Scifa —

✓ Cook vs Richard Bartlett — Submitted —

7✓ Long vs Long use &c. Submitted

✓ Cravens vs Cravens Submitted

✓ Blake vs Bush — on mo. of Pltff rule vs Clerk for a more perfect record &c & contd

Mr. Bates announced the death of Wm C. Reagan Esqr &c. whereupon it is ordered that this court adjourn until tomorrow 2 oclock P.M. —

January Term 1844

Friday January 5. 1844 Court met
Pursuant to adjournment
Present the Honorable
Charles Mason Chief Justice
Joseph Williams }
Thos. S. Wilson } Associate

✓ U.S. vs Hiler, affirmed —
✓ Harman vs Goodrich — affirmed —
✓ Lowe & Hickok vs Gauby Reversed
✓ Long vs Longuse &c. — dismissed
✓ Cravens vs Cravens, affirmed
✓ Wright vs Britton, affirmed
~~McNulty vs Moore &c. dismissed~~
✓ Burge vs Burns & Snyder affirmed

✓ Petrikin assignee &c. vs T. Davis, court delivered an opinion affirming the decree of the court below

✓ Farber &c. vs Levi — Court delivered an opinion affirming the Decree of the court below — bill dismissed without prejudice — on mo. of complt.

✓ Hurd vs Dutchess County Bank — Court delivered an opinion, affirming the order of the District Court

✓ U.S. vs Switzer — Submitted —

✓ Burnell &c. vs McDaniel — On motion of Pffs a rule is granted them agst Clerk of District Court to return writ of Error — returnable forthwith —

✓ Lucas vs Waller — Submitted

√ Bernard vs Parvin, submitted—

√ Parvin vs Hoops, by consent the Pltff has leave to amend
Errors & submitted

√ Webb vs Mauro — submitted 2 cases

√ ~~[illegible]~~des vs Bush — notice of appl.
Deft.

√ Warburton & Co. vs Mattox notice of appl.—
by Deft.

√ Petrikin & Co. vs Davis notice of appl. by Pltff—

Ordered that court adjourn until
tomorrow morning 9. oclock—

Saturday Morning Jany. 6. 1844.
Court met pursuant to adjournment
Present the Honorable
Charles Mason Chief Justice
Joseph Williams } Associate
Thomas S. Wilson } Justices

√ Parvin vs Hoops, affirmed

√ Daugherty vs Bridgeman & Partridge, affirmed

√ Smith vs Smith & Johnson affirmed

√ U.S. vs Critzer affirmed

√ Lucas vs Waller — affirmed

√ Battelle vs Bridgman & Co. mo. to dismiss overruled.

√ Clark et.al. vs White et.al. mo. to dismiss overruled

√ Bennett & Co. vs Davis, mo. to reject bill of exceptions overruled —

√ Sheppard vs Wilson mo. to reject bill of exceptions sustained. —

√ Lucas vs Chalfant, affirmed —

√ McMahan vs Ladd & Co. Counsel filed Certificate & appeal Dismissed — with costs — & procedendo

January Term 1844

Key vs Scott, Submitted

Haight &c. vs Woods Christy & Co. on mo. of Defts a rule is granted against Pltffs to file assignment of Errors on or before Monday next —

Sheppard vs Wilson — on motion Deft a writ of Certiorari is awarded to the Clerk of the District Court to perfect record — & Defts motion to dismiss overruled —

Meigs vs Parker — on mo. of Deft. former Judgment set aside — & money collected on Execution to be returned — & Judgment now rendered according to the opinion of this Court. —

Board of Commrs of Jefferson vs Gray. certificate filed — and appeal dismissed, & writ of procedendo awarded — & costs. —

Enos Lowe & Co. vs Edgar — Agreement of parties filed & cause to be docketed Submitted

Munger's admrs &c. vs Noble — on motion of Deft a writ of Certiorari is awarded returnable forthwith to the Clerk of the Court below, to send up a more perfect & complete transcript of the record in this cause —

James P. Carleton Esqr. this day presented certain resolutions &c. of the members of the bar, which is ordered by the Court to be recorded. —

Boothe &c. vs Brophy &c. Argued & submitted —

January Term 1844 -4-

ordered that Court adjourn untill
monday morning 9 oclock —

Monday morning January 8.
1844 Court met pursuant to
adjournment Present the Honl
Charles Mason Chief Mason
Joseph Williams } Associate Justices
Thomas S. Wilson }

✓ Knight vs Fox affirmed

✓ J. & O. Bernard vs Farine Reversed

✓ Chord vs McCoy affirmed

✓ Wilson vs Webster affirmed

✓ Switzer vs Gowdy — Plff gave notice of filing a petition for a Rehearing —

✓ Clark & Co. vs White & Smith — The rule against the plff made at the last term being not complied with — on motion of Defts the writ of Error dismissed, with 8 per cent damages & costs — damages amounting $28.32 cents —

January Term 1844 —

Bragg vs Gray — ~~[illegible]~~ by agreement Jacob S. Rinearson Assignee of Pltff in Bankruptcy is substituted & contd —

Maloney vs United States for use &c. argued & submitted

United States vs Lowe &c. }
Lowe &c. vs United States } By consent of parties, a waiver of the rules requiring a copy of the briefs & arguments & authorities & points to be furnished the opposite party —

Romaine vs Connors mo. to dismiss overruled —

Munger vs Noble — on motion of pltff Continued

United States vs Wau Kau, Chau ne Kau, & Hau Kau Kau argued and submitted to the court.

United States vs Antoine Low Et al on motion of the Defendants, he having suggested a diminution of the record filed herein ~~in this~~ ordered that a writ of Certiorari issue to the Clerk of the District Court of Dubuque County, requiring him forthwith to certify & send to this Court a perfect record in the diminution aforesaid. — Argued & submitted —

ordered that Court adjourn until tomorrow morning 9 oclock —

Tuesday Morning January 9th 1844 court
met pursuant to adjournment
Present the Honorable
Charles Mason Chief Justice
Joseph Williams } Associate
Thomas S. Wilson } Justices

✓ Hale vs Caldwell on mo. Deft. he having filed a certificate &c. the writ of Error is Dismissed with 10 per cent damages — & costs & writ of procedendo awarded. —

✓ Clark vs Gibson, Submitted —

✓ Haight &c. vs Woods, Christy & Co. on motion of Defts rule made absolute and writ of Error ~~dismissed~~ and procedendo awarded with 5 per cent damages — & costs. —
Damages [illegible]

✓ Timothy Fanning vs U.S. on relation of G. W. Jones Submitted. —

✓ Bush vs Telson Et al — argued & submitted and affirmed. —

~~Young &c. vs Scott~~ —

✓ Sagel Et al vs Kiesecker Et al argued & submitted —

✓ Roberts vs Smith — mo of Deft. to dismiss, sustained and appeal dismissed with costs —

✓ Coe Et al vs Hamilton, argued & Submitted

January Term 1844:—

Packard vs U.S. continued—

ordered that Court adjourn until tomorrow morning 9 O clock—

Wednesday morning January 10. 1844
Court met pursuant to adjournment
Present the Honorable
Charles Mason Chief Justice
Joseph Williams } Associate
Thomas S. Wilson } Justices

M. Prier vs McIlvaine— affirmed

G. Prier vs McIlvaine— affirmed—

Cornelius vs McIlvaine— affirmed—

Coe Et. al. vs Hamilton— affirmed—

Clark vs Parvin—mo. to reject bill of exceptions sustained

Sleeth vs Murphy—Reversed

Booth & Harter vs Brophy & Co. Reversed & dismissed no procedendo—but judgment in full—in this Court

✓ Fulwider vs Wilford — Affirmed, opinion delivered ~~& writ of procedendo~~ & leave given pltff to withdraw papers. —

✓ Clark vs Gibson — Reversed —

✓ Mauro vs Webb et al. Reversed —
* ✓ 2 Cases — same order.

✓ Fry vs Butler & Swan — affirmed — & Pltff gave notice to file petition for rehearing —

✓ United States vs Indians — affirmed —

✓ United States vs Lore et al. Reversed — the Pltff gave notice of appeal to supreme Court of the United States

* Mauro vs Webb et al. on mo. of Mr Rorer — leave ✓ is given to withdraw the original Bills of Exchange & all other original papers in this cause —

Lowe vs Edgar — Leave given plff to withdraw ✓ the original papers filed in this Cause, & each party withdraw their written arguments & each party pay half the Costs — in this court. —

✓ Abernethy & Morrow vs Hall & Thompson, certificate filed & writ of Error dismissed & 10 per cent damages — & costs —

Young

✓ Sheppard vs Wilson, on motion of Deft a rule is granted him against Pltff to shew cause on tomorrow why he does not furnish the defendant with a brief in this cause—

✓ Payne vs Coutch & Kinsman— contd—

✓ Abram Conns & Co. vs Ewing & Co. Argued & submitted

✓ Musgrave vs Brady Et. al. on mo. of pltff he having suggested the diminution of the record in this case ~~and~~ a writ of ~~procedendo~~ certiorari is awarded directed to the clerk of the District to perfect record & Cause continued

✓ Marsh. Lee & Delevan vs Reddicks &c. ~~filed an agreement &~~ Submitted as per agreement filed—

✓ Marsh &c vs Reddicks &c Submitted—as per agreement filed

~~U.S. vs Love &c.~~
✓ Love &c. vs U.S. Affirmed

✓ Kresicker vs Sage Et. al. Affirmed—

✓ McAnulty use &c. vs Moore & Co. Affirmed—

✓ Graham vs Fulwider— The Deft filed certificate and ~~writ of~~ appeal dismissed—10 per cent damages—

✓ Mccutch & Kinsman vs Barton, Submitted

✓ Phillips vs Runnels, Contd

✓ Clark vs Garvin, Submitted

~~Harrington vs McCleary~~ ^
✓ Chambers vs Chambers — writ of ~~error~~ Certiorari issued & clerk to send the papers back — writ returnable to next term — & Contd

✓ Musgrave vs Brady & Co. Et al. Contd by consent

✓ Phillips vs Teas — Affirmed —

✓ U.S. vs Morgan — Submitted —

✓ Culbertson & Finch vs Tomlinson, contd by consent

✓ Marshall & Co. vs Bush, The Deft filed affidavit: and on his motion an appeal granted to the Supreme Court, on the Deft executing bond in the sum of $200 — and thereupon the sd Deft filed a bond in sd penalty — with John C. Berry as security which bond ~~was~~ is approved by the court —

Ordered that Court adjourn
until tomorrow Morning
9 oclock —

Thursday Morning Jany 11. 1844 Court met pursuant to adjournment
Present the Honorable
Joseph Williams } Aſsociate
Thos. S. Wilson } Justices

✓ Shuffleton & Pitzer vs Jenkins - contd. —

~~Bunnell & Co. vs McDaniel Settled~~

✓ Benner vs Perry & Headly, affirmed —

✓ Clark vs Parvin — affirmed —

✓ Musgrave vs Reed et al affirmed

✓ U. S. vs Morgan — affirmed —

Rice vs Mortimore, Reversed — on mo. of Deft
✓ an appl. granted to the Supreme Court, bond
in $1000. —

✓ Young & Snyder vs Isett — Certiorari granted —
award returnable forthwith. —

✓ Swan adl. Comor. vs Ewing — affirmed —

U. S. on Jones — vs Fanning — affirmed — on
✓ motion of pltff an appeal granted bond in the
sum of $1000. —

✓ Stannard & Co. vs McCarty — on motion of the Clerk
a rule granted see motion —

Fry vs Butler & Swan the pltff filed petition for rehearing – & contd. —

Humphreys vs Humphreys – Submitted. —

Phillips vs Runnells – On motion of pltff a writ of Certiorari is awarded to the Clerk of the District Court of Jackson County to perfect record, returnable at the next term of this court. —

~~Bennett & Co. vs Davis – m. of Deft for a [illegible]~~

Sheppard Et, al, vs Wilson – ordered that pltf furnish the Defts counsel a brief – under the rule granted yesterday. —

Harber & Co. vs Levi – Pltffs filed a petition for a rehearing – & contd. —

Romain vs Comrs. of Muscatine County, Submitted to be

Ordered that Court be adjourned until tomorrow morning 9 oclock. —

Friday morning Jany. 12. 1844 court
met pursuant to adjournment
Present the Honorable
Joseph Williams } Associate Justices
Thos. S. Wilson }

Snyder vs Humphreys, — mo for rehearing & to remand & dismiss overruled —

Coutch & Kinsman vs Barton — affirmed —

Romain vs Commrs. of Muscatine County, Reversed —

Humphreys vs Humphreys — affirmed —

Bissell & Shaw vs McGuire — affirmed

Booth &c. vs Brophy &c. rehearing refused —

Tomlinson vs Culbertson — affirmed

Bennett &Co. vs Davis — Mandamus refused —

Sheppard &c. vs Wilson — Mandamus refused. —

Rice vs Mortimore — This day the Deft. filed an
[illegible] appeal bond which was examined by the court
approved & ordered to be filed

Hook vs Ricker & Bartlett — mo to dismiss overruled —

✓ Welch vs Goble — ordered that cause be docketted — certificate filed — writ of Error dismissed — & procedendo awarded. —

✓ Sheppard &c. vs Wilson — The Deft moved for a continuance of this cause for reasons on file — & mo. overruled

✓ Hughes vs McCoy Contd.

✓ Hughell vs Wilson Contd.

✓ Stannard &c. vs McCarty ~~the~~ rule made absolute & Judgment against Ex. — for costs — as executor —

✓ Hanning vs McCrany, taken under advisement —

✓ Rules vs James Cameron, mo of James Cameron overruled in all the cases. —

✓ Battell vs Bridgman & Co. Error Confessed and Judgment of the court below reversed & Judgment rendered here agreeably to power of Attorney

✓ Burnell &c. vs McDaniel, Dismissed & procedendo awarded —

Young & Snyder vs Scott, order made as in the loose bundle. — see copy it —

Bennett & Co. vs Davis — motion of Deft to strike out the the Bill of Exceptions from the transcript, motion argued &

Bennett & Co vs Davis — Submitted. —

Kerr vs Stewart, ordered that this cause be ~~continued~~ placed on the Docket of this court.

Ordered that Court adjourn untill tomorrow morning 8 o'clock —

Saturday morning January 13 - 1824.
Court met pursuant to adjournment
Present the Honorable
Joseph Williams } Associate
Thomas S. Wilson } Justices

Warburton &c. vs Maltox &c. Judgt affirmd a p. 4 Inst

McNulty use &c. vs Moore & Co. former judgment set aside — cause reversed — & procedendo —

Bennett & Co. vs Davis Affirmed —

Sheppard &c. vs Wilson, Bill of exceptions allowed & filed, submitted & contd untill May Court —

Adjourned untill 2 Monday in May. —

Monday May 13. 1844 - Court met agreeably to adjournment
Present the Honorable

This being the day to which the Court was adjourned and there not being any of the Judges present, the ~~marshall~~ Court stands adjourned ~~the~~ ~~Court~~ until tomorrow morning 9 oclock-

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Tuesday Morning, May 14. 1844
This being the day to which the Court was adjourned and no one the Judges appearing except the Honorable Joseph Williams associ-ate Justice - who thereupon ordered the Court to be adjourned until the 8th day of July next

J. Williams
Associate Judge Sup.
Court